



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB0167

Introduced 2/2/2005, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/3-102	from Ch. 68, par. 3-102

Amends the Illinois Human Rights Act. With respect to real estate transactions, prohibits discrimination on the basis of source of income. In provisions prohibiting an owner or any other person engaging in a real estate transaction, or a real estate broker or salesman, because of unlawful discrimination, familial status, or source of income, from engaging in certain activities, provides that those provisions do not: (i) require a housing authority or housing development project in which 25% or more of the units are owned by a housing authority or subject to a leasing agreement, regulatory and operating agreement, or other similar instrument with a housing authority to lease or rent another unit of that same housing development project to an existing or prospective tenant who is receiving subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher program for payment of part or all of the rent for the unit; (ii) require or prevent, with specified exceptions, any person whose property is located in a municipality with fewer than 1,000,000 inhabitants and is in a concentrated census tract where 3% of the total housing stock is occupied by tenants relying on subsidies, payment assistance, contributions, or vouchers under or in connection with the federal Housing Choice Voucher program for payment of part of the rent for the unit to lease or rent a unit to a prospective tenant who is relying on such a subsidy, payment assistance, contribution, or voucher for payment of part or all of the rent for the unit; or (iii) prevent an owner or agent from taking into consideration factors other than lawful source of income, such as credit history, criminal history, or references. Effective immediately.

LRB094 08351 WGH 38544 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT in relation to human rights.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by  
5 changing Sections 1-102, 1-103, and 3-102 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 (Text of Section before amendment by P.A. 93-1078)

8 Sec. 1-102. Declaration of Policy. It is the public policy  
9 of this State:

10 (A) Freedom from Unlawful Discrimination. To secure for all  
11 individuals within Illinois the freedom from discrimination  
12 against any individual because of his or her race, color,  
13 religion, sex, national origin, ancestry, age, marital status,  
14 physical or mental handicap, military status, or unfavorable  
15 discharge from military service in connection with employment,  
16 real estate transactions, access to financial credit, and the  
17 availability of public accommodations.

18 (B) Freedom from Sexual Harassment-Employment and Higher  
19 Education. To prevent sexual harassment in employment and  
20 sexual harassment in higher education.

21 (C) Freedom from Discrimination Based on Citizenship  
22 Status-Employment. To prevent discrimination based on  
23 citizenship status in employment.

24 (D) Freedom from Discrimination Based on Familial Status or  
25 Source of Income-Real Estate Transactions. To prevent  
26 discrimination based on familial status or source of income in  
27 real estate transactions.

28 (E) Public Health, Welfare and Safety. To promote the  
29 public health, welfare and safety by protecting the interest of  
30 all people in Illinois in maintaining personal dignity, in  
31 realizing their full productive capacities, and in furthering  
32 their interests, rights and privileges as citizens of this

1 State.

2 (F) Implementation of Constitutional Guarantees. To secure  
3 and guarantee the rights established by Sections 17, 18 and 19  
4 of Article I of the Illinois Constitution of 1970.

5 (G) Equal Opportunity, Affirmative Action. To establish  
6 Equal Opportunity and Affirmative Action as the policies of  
7 this State in all of its decisions, programs and activities,  
8 and to assure that all State departments, boards, commissions  
9 and instrumentalities rigorously take affirmative action to  
10 provide equality of opportunity and eliminate the effects of  
11 past discrimination in the internal affairs of State government  
12 and in their relations with the public.

13 (H) Unfounded Charges. To protect citizens of this State  
14 against unfounded charges of unlawful discrimination, sexual  
15 harassment in employment and sexual harassment in higher  
16 education, and discrimination based on citizenship status in  
17 employment.

18 (Source: P.A. 87-579; 88-178.)

19 (Text of Section after amendment by P.A. 93-1078)

20 Sec. 1-102. Declaration of Policy. It is the public policy  
21 of this State:

22 (A) Freedom from Unlawful Discrimination. To secure for all  
23 individuals within Illinois the freedom from discrimination  
24 against any individual because of his or her race, color,  
25 religion, sex, national origin, ancestry, age, marital status,  
26 physical or mental handicap, military status, sexual  
27 orientation, or unfavorable discharge from military service in  
28 connection with employment, real estate transactions, access  
29 to financial credit, and the availability of public  
30 accommodations.

31 (B) Freedom from Sexual Harassment-Employment and Higher  
32 Education. To prevent sexual harassment in employment and  
33 sexual harassment in higher education.

34 (C) Freedom from Discrimination Based on Citizenship  
35 Status-Employment. To prevent discrimination based on

1 citizenship status in employment.

2 (D) Freedom from Discrimination Based on Familial Status or  
3 Source of Income-Real Estate Transactions. To prevent  
4 discrimination based on familial status or source of income in  
5 real estate transactions.

6 (E) Public Health, Welfare and Safety. To promote the  
7 public health, welfare and safety by protecting the interest of  
8 all people in Illinois in maintaining personal dignity, in  
9 realizing their full productive capacities, and in furthering  
10 their interests, rights and privileges as citizens of this  
11 State.

12 (F) Implementation of Constitutional Guarantees. To secure  
13 and guarantee the rights established by Sections 17, 18 and 19  
14 of Article I of the Illinois Constitution of 1970.

15 (G) Equal Opportunity, Affirmative Action. To establish  
16 Equal Opportunity and Affirmative Action as the policies of  
17 this State in all of its decisions, programs and activities,  
18 and to assure that all State departments, boards, commissions  
19 and instrumentalities rigorously take affirmative action to  
20 provide equality of opportunity and eliminate the effects of  
21 past discrimination in the internal affairs of State government  
22 and in their relations with the public.

23 (H) Unfounded Charges. To protect citizens of this State  
24 against unfounded charges of unlawful discrimination, sexual  
25 harassment in employment and sexual harassment in higher  
26 education, and discrimination based on citizenship status in  
27 employment.

28 (Source: P.A. 93-1078, eff. 1-1-06.)

29 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

30 (Text of Section before amendment by P.A. 93-1078)

31 Sec. 1-103. General Definitions. When used in this Act,  
32 unless the context requires otherwise, the term:

33 (A) Age. "Age" means the chronological age of a person who  
34 is at least 40 years old, except with regard to any practice  
35 described in Section 2-102, insofar as that practice concerns

1 training or apprenticeship programs. In the case of training or  
2 apprenticeship programs, for the purposes of Section 2-102,  
3 "age" means the chronological age of a person who is 18 but not  
4 yet 40 years old.

5 (B) Aggrieved Party. "Aggrieved party" means a person who  
6 is alleged or proved to have been injured by a civil rights  
7 violation or believes he or she will be injured by a civil  
8 rights violation under Article 3 that is about to occur.

9 (C) Charge. "Charge" means an allegation filed with the  
10 Department by an aggrieved party or initiated by the Department  
11 under its authority.

12 (D) Civil Rights Violation. "Civil rights violation"  
13 includes and shall be limited to only those specific acts set  
14 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,  
15 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this  
16 Act.

17 (E) Commission. "Commission" means the Human Rights  
18 Commission created by this Act.

19 (F) Complaint. "Complaint" means the formal pleading filed  
20 by the Department with the Commission following an  
21 investigation and finding of substantial evidence of a civil  
22 rights violation.

23 (G) Complainant. "Complainant" means a person including  
24 the Department who files a charge of civil rights violation  
25 with the Department or the Commission.

26 (H) Department. "Department" means the Department of Human  
27 Rights created by this Act.

28 (I) Handicap. "Handicap" means a determinable physical or  
29 mental characteristic of a person, including, but not limited  
30 to, a determinable physical characteristic which necessitates  
31 the person's use of a guide, hearing or support dog, the  
32 history of such characteristic, or the perception of such  
33 characteristic by the person complained against, which may  
34 result from disease, injury, congenital condition of birth or  
35 functional disorder and which characteristic:

36 (1) For purposes of Article 2 is unrelated to the

1 person's ability to perform the duties of a particular job  
2 or position and, pursuant to Section 2-104 of this Act, a  
3 person's illegal use of drugs or alcohol is not a handicap;

4 (2) For purposes of Article 3, is unrelated to the  
5 person's ability to acquire, rent or maintain a housing  
6 accommodation;

7 (3) For purposes of Article 4, is unrelated to a  
8 person's ability to repay;

9 (4) For purposes of Article 5, is unrelated to a  
10 person's ability to utilize and benefit from a place of  
11 public accommodation.

12 (I-5) Housing authority. "Housing authority" means either  
13 a housing authority created under the Housing Authorities Act  
14 or other government agency that is authorized by the United  
15 States government under the United States Housing Act of 1937  
16 to administer a housing choice voucher program, or the  
17 authorized agent of such a housing authority that is authorized  
18 to act upon that authority's behalf.

19 (J) Marital Status. "Marital status" means the legal status  
20 of being married, single, separated, divorced or widowed.

21 (J-1) Military Status. "Military status" means a person's  
22 status on active duty in the armed forces of the United States,  
23 status as a current member of any reserve component of the  
24 armed forces of the United States, including the United States  
25 Army Reserve, United States Marine Corps Reserve, United States  
26 Navy Reserve, United States Air Force Reserve, and United  
27 States Coast Guard Reserve, or status as a current member of  
28 the Illinois Army National Guard or Illinois Air National  
29 Guard.

30 (K) National Origin. "National origin" means the place in  
31 which a person or one of his or her ancestors was born.

32 (L) Person. "Person" includes one or more individuals,  
33 partnerships, associations or organizations, labor  
34 organizations, labor unions, joint apprenticeship committees,  
35 or union labor associations, corporations, the State of  
36 Illinois and its instrumentalities, political subdivisions,

1 units of local government, legal representatives, trustees in  
2 bankruptcy or receivers.

3 (M) Public Contract. "Public contract" includes every  
4 contract to which the State, any of its political subdivisions  
5 or any municipal corporation is a party.

6 (N) Religion. "Religion" includes all aspects of religious  
7 observance and practice, as well as belief, except that with  
8 respect to employers, for the purposes of Article 2, "religion"  
9 has the meaning ascribed to it in paragraph (F) of Section  
10 2-101.

11 (O) Sex. "Sex" means the status of being male or female.

12 (O-5) Source of Income. "Source of income" means any lawful  
13 income, subsidy, or benefit with which an individual supports  
14 himself or herself and his or her dependents, including, but  
15 not limited to, child support, maintenance, and any federal,  
16 State, or local public assistance, medical assistance, or  
17 rental assistance program.

18 (P) Unfavorable Military Discharge. "Unfavorable military  
19 discharge" includes discharges from the Armed Forces of the  
20 United States, their Reserve components or any National Guard  
21 or Naval Militia which are classified as RE-3 or the equivalent  
22 thereof, but does not include those characterized as RE-4 or  
23 "Dishonorable".

24 (Q) Unlawful Discrimination. "Unlawful discrimination"  
25 means discrimination against a person because of his or her  
26 race, color, religion, national origin, ancestry, age, sex,  
27 marital status, handicap, military status, or unfavorable  
28 discharge from military service as those terms are defined in  
29 this Section.

30 (Source: P.A. 93-941, eff. 8-16-04.)

31 (Text of Section after amendment by P.A. 93-1078)

32 Sec. 1-103. General Definitions. When used in this Act,  
33 unless the context requires otherwise, the term:

34 (A) Age. "Age" means the chronological age of a person who  
35 is at least 40 years old, except with regard to any practice

1 described in Section 2-102, insofar as that practice concerns  
2 training or apprenticeship programs. In the case of training or  
3 apprenticeship programs, for the purposes of Section 2-102,  
4 "age" means the chronological age of a person who is 18 but not  
5 yet 40 years old.

6 (B) Aggrieved Party. "Aggrieved party" means a person who  
7 is alleged or proved to have been injured by a civil rights  
8 violation or believes he or she will be injured by a civil  
9 rights violation under Article 3 that is about to occur.

10 (C) Charge. "Charge" means an allegation filed with the  
11 Department by an aggrieved party or initiated by the Department  
12 under its authority.

13 (D) Civil Rights Violation. "Civil rights violation"  
14 includes and shall be limited to only those specific acts set  
15 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,  
16 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this  
17 Act.

18 (E) Commission. "Commission" means the Human Rights  
19 Commission created by this Act.

20 (F) Complaint. "Complaint" means the formal pleading filed  
21 by the Department with the Commission following an  
22 investigation and finding of substantial evidence of a civil  
23 rights violation.

24 (G) Complainant. "Complainant" means a person including  
25 the Department who files a charge of civil rights violation  
26 with the Department or the Commission.

27 (H) Department. "Department" means the Department of Human  
28 Rights created by this Act.

29 (I) Handicap. "Handicap" means a determinable physical or  
30 mental characteristic of a person, including, but not limited  
31 to, a determinable physical characteristic which necessitates  
32 the person's use of a guide, hearing or support dog, the  
33 history of such characteristic, or the perception of such  
34 characteristic by the person complained against, which may  
35 result from disease, injury, congenital condition of birth or  
36 functional disorder and which characteristic:

1 (1) For purposes of Article 2 is unrelated to the  
2 person's ability to perform the duties of a particular job  
3 or position and, pursuant to Section 2-104 of this Act, a  
4 person's illegal use of drugs or alcohol is not a handicap;

5 (2) For purposes of Article 3, is unrelated to the  
6 person's ability to acquire, rent or maintain a housing  
7 accommodation;

8 (3) For purposes of Article 4, is unrelated to a  
9 person's ability to repay;

10 (4) For purposes of Article 5, is unrelated to a  
11 person's ability to utilize and benefit from a place of  
12 public accommodation.

13 (I-5) Housing authority. "Housing authority" means either  
14 a housing authority created under the Housing Authorities Act  
15 or other government agency that is authorized by the United  
16 States government under the United States Housing Act of 1937  
17 to administer a housing choice voucher program, or the  
18 authorized agent of such a housing authority that is authorized  
19 to act upon that authority's behalf.

20 (J) Marital Status. "Marital status" means the legal status  
21 of being married, single, separated, divorced or widowed.

22 (J-1) Military Status. "Military status" means a person's  
23 status on active duty in the armed forces of the United States,  
24 status as a current member of any reserve component of the  
25 armed forces of the United States, including the United States  
26 Army Reserve, United States Marine Corps Reserve, United States  
27 Navy Reserve, United States Air Force Reserve, and United  
28 States Coast Guard Reserve, or status as a current member of  
29 the Illinois Army National Guard or Illinois Air National  
30 Guard.

31 (K) National Origin. "National origin" means the place in  
32 which a person or one of his or her ancestors was born.

33 (L) Person. "Person" includes one or more individuals,  
34 partnerships, associations or organizations, labor  
35 organizations, labor unions, joint apprenticeship committees,  
36 or union labor associations, corporations, the State of

1 Illinois and its instrumentalities, political subdivisions,  
2 units of local government, legal representatives, trustees in  
3 bankruptcy or receivers.

4 (M) Public Contract. "Public contract" includes every  
5 contract to which the State, any of its political subdivisions  
6 or any municipal corporation is a party.

7 (N) Religion. "Religion" includes all aspects of religious  
8 observance and practice, as well as belief, except that with  
9 respect to employers, for the purposes of Article 2, "religion"  
10 has the meaning ascribed to it in paragraph (F) of Section  
11 2-101.

12 (O) Sex. "Sex" means the status of being male or female.

13 (O-1) Sexual orientation. "Sexual orientation" means  
14 actual or perceived heterosexuality, homosexuality,  
15 bisexuality, or gender-related identity, whether or not  
16 traditionally associated with the person's designated sex at  
17 birth. "Sexual orientation" does not include a physical or  
18 sexual attraction to a minor by an adult.

19 (O-5) Source of Income. "Source of income" means any lawful  
20 income, subsidy, or benefit with which an individual supports  
21 himself or herself and his or her dependents, including, but  
22 not limited to, child support, maintenance, and any federal,  
23 State, or local public assistance, medical assistance, or  
24 rental assistance program.

25 (P) Unfavorable Military Discharge. "Unfavorable military  
26 discharge" includes discharges from the Armed Forces of the  
27 United States, their Reserve components or any National Guard  
28 or Naval Militia which are classified as RE-3 or the equivalent  
29 thereof, but does not include those characterized as RE-4 or  
30 "Dishonorable".

31 (Q) Unlawful Discrimination. "Unlawful discrimination"  
32 means discrimination against a person because of his or her  
33 race, color, religion, national origin, ancestry, age, sex,  
34 marital status, handicap, military status, sexual orientation,  
35 or unfavorable discharge from military service as those terms  
36 are defined in this Section.

1 (Source: P.A. 93-941, eff. 8-16-04; 93-1078, eff. 1-1-06.)

2 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

3 Sec. 3-102. Civil Rights Violations; Real Estate  
4 Transactions) It is a civil rights violation for an owner or  
5 any other person engaging in a real estate transaction, or for  
6 a real estate broker or salesman, because of unlawful  
7 discrimination or familial status or source of income, to

8 (A) Transaction. Refuse to engage in a real estate  
9 transaction with a person or to discriminate in making  
10 available such a transaction;

11 (B) Terms. Alter the terms, conditions or privileges of a  
12 real estate transaction or in the furnishing of facilities or  
13 services in connection therewith;

14 (C) Offer. Refuse to receive or to fail to transmit a bona  
15 fide offer to engage in a real estate transaction from a  
16 person;

17 (D) Negotiation. Refuse to negotiate for a real estate  
18 transaction with a person;

19 (E) Representations. Represent to a person that real  
20 property is not available for inspection, sale, rental, or  
21 lease when in fact it is so available, or to fail to bring a  
22 property listing to his or her attention, or to refuse to  
23 permit him or her to inspect real property;

24 (F) Publication of Intent. Print, circulate, post, mail,  
25 publish or cause to be so published a written or oral  
26 statement, advertisement or sign, or to use a form of  
27 application for a real estate transaction, or to make a record  
28 or inquiry in connection with a prospective real estate  
29 transaction, which expresses any limitation founded upon, or  
30 indicates, directly or indirectly, an intent to engage in  
31 unlawful discrimination;

32 (G) Listings. Offer, solicit, accept, use or retain a  
33 listing of real property with knowledge that unlawful  
34 discrimination or discrimination on the basis of familial  
35 status in a real estate transaction is intended.

1       Nothing in this Section 3-102 or in any municipal or county  
2 ordinance described in Section 7-108 of this Act shall require  
3 a housing authority, its designated property manager, or any  
4 other housing authority agents or assigns of any housing  
5 development project in which 25% or more of the units are owned  
6 by a housing authority or subject to a leasing agreement,  
7 regulatory and operating agreement, or other similar  
8 instrument with a housing authority to lease or rent another  
9 unit of that same housing development project to an existing or  
10 prospective tenant who is receiving subsidies, payment  
11 assistance, contributions, or vouchers under or in connection  
12 with the federal Housing Choice Voucher (also known as Section  
13 8) program (42 U.S.C. 1437f) for payment of part or all of the  
14 rent for the unit.

15       Nothing in this Section 3-102, except with respect to  
16 written statements prohibited by subdivision (F) of this  
17 Section, shall require or prevent any person whose property is  
18 located in a municipality with fewer than 1,000,000  
19 inhabitants, and is in a concentrated census tract where 3% of  
20 the total housing stock in that census tract is occupied by  
21 tenants relying on subsidies, payment assistance,  
22 contributions, or vouchers under or in connection with the  
23 federal Housing Choice Voucher (also known as Section 8)  
24 program (42 U.S.C. 1437f) for payment of part of the rent for  
25 the unit to lease or rent a unit to a prospective tenant who is  
26 relying on such a subsidy, payment assistance, contribution, or  
27 voucher for payment of part or all of the rent for the unit.  
28 The housing authority shall determine which census tracts  
29 within its service area meet the concentrated census tract  
30 exemption requirements and annually deliver that information  
31 to the municipalities within its jurisdiction.

32       Nothing in this Section 3-102 prevents an owner or agent  
33 from taking into consideration factors other than lawful source  
34 of income such as credit history, criminal history, or  
35 references.

36 (Source: P.A. 86-910.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.